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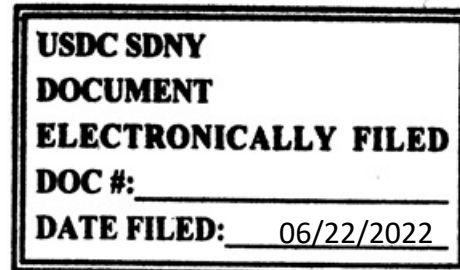
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Tibor L. Nagy, Jr.
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June 17, 2022

Via ECF

Honorable Stewart D. Aaron
United States Magistrate Judge
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007



Re: *Allianz Global Inv'rs GmbH, et al. v. Bank of Am. Corp., et al.*, 18-cv-10364

Dear Judge Aaron,

Pursuant to Section II.B.3 of the Court's Individual Practices, and Sections 5.3 and 5.5 of the Stipulation and Second Amended Order of Confidentiality (ECF 767) (the "Protective Order"), we write to seek leave to file under seal a letter and exhibit objecting to Plaintiffs' assertion of privilege over certain information produced in discovery and then "clawed back" by Plaintiffs (the "Disputed Materials"). The Protective Order explicitly requires any motion concerning a privilege dispute such as this one to be filed "under seal." ECF 767 § 5.3; *see id.* § 5.5. The Protective Order also requires the Disputed Materials to be treated as privileged until the Court rules on the dispute. *See id.* §§ 5.3, 5.5.

In addition, the parties have conferred, and Plaintiffs assert that the letter and its attachment should be treated as confidential even if the Court determines that the Disputed Materials are not protected by attorney-client privilege. Accordingly, Plaintiffs have informed us that they support this motion to seal for the following additional reasons: the Disputed Materials contain the names of third-party current and former BlackRock employees and sensitive business information. BlackRock previously designated this material as Confidential information pursuant to the Protective Order in this case. Because "[n]on-parties' privacy interests may comprise 'a strong factor weighing against disclosure of their identities,'" the countervailing privacy interest in this case outweighs the presumption of public access. *Travelers Indem. Co. v. Excalibur Reinsurance Corp.*, 2012 WL 13029602, at *9 (D. Conn. May 10, 2012) (quoting *In re Savitt/Adler Litig.*, 1997 WL 797511, at *3 (N.D.N.Y. Dec. 23, 1997)).

For the foregoing reasons, we respectfully request that Defendants' forthcoming letter concerning the parties' privilege dispute, and its exhibit, remain under seal.

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Respectfully,

/s/ Tibor L. Nagy, Jr.

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cc: All counsel of record (via ECF)

Request GRANTED. The proposed sealing requests are narrowly tailored to prevent unauthorized dissemination of sensitive business information. *See Lugosch v.*

Pyramid Co. of Onondaga, 435 F.3d 110, 119-20 (2d Cir. 2006). SO ORDERED.

Dated: June 22, 2022

